

DW 03-069

LACONIA WATER WORKS

Petition to Expand Water Service in the Town of Gilford

Order Nisi Approving Expansion of Service Area

O R D E R    N O.    24,209

September 11, 2003

On March 17, 2003, Laconia Water Works (Petitioner), filed a petition with the New Hampshire Public Utilities Commission (Commission) for expansion of water service in a limited area of the Town of Gilford in the vicinity of the Laconia Airport. Laconia Water Works is an independent municipal entity providing water service to the City of Laconia and to limited areas outside Laconia. Thereafter, Petitioner submitted a revised franchise description and map, filed on August 21 and August 29, 2003, respectively.

Petitioner also provided documents in response to discovery requests that indicate the petition relates to an "Intermunicipal Agreement Governing the Joint Economic Activities between the City of Laconia and the Town of Gilford" (Agreement) for development of the area around the airport. The Agreement anticipates extension of water service by the Petitioner to the area in connection with the development.

The Petitioner states that Laconia Water Works has ample capacity to serve the area, and that no other entity is

available to provide such service. The Petitioner provided a letter from the Gilford selectmen in support of the petition, and a letter from the Department of Environmental Services stating that the plan meets the requirement of RSA 374:22, III regarding the suitability and availability of water to serve the proposed area. Sewer service is provided to the proposed area by the Town of Gilford and is not part of the petition.

The Petitioner proposes to provide water service to the Gilford area in accordance with its existing tariff and practice for service inside Laconia, except that the rates charged in the new area will be 15 percent higher than those charged inside the city as allowed by RSA 362:4, III-a(a)(1). The statute states that a municipal corporation shall not be considered a public utility under such circumstances, subject to the franchise application requirements of RSA 374.

Pursuant to RSA 374:26, permission to expand a franchise may be granted without hearing when all interested parties are in agreement. Commission Staff has reviewed the petition and recommends approval. However, in order to allow any interested parties the opportunity to comment, we will issue our order on a nisi basis. In light of the above, we find that the proposed expansion will be for the public good and it is approved on a nisi basis.

**Based upon the foregoing, it is hereby**

**ORDERED NISI**, that subject to the effective date below and pursuant to RSA 374:22 and 26, Laconia Water Works is authorized to extend water service into the limited area of the Town of Gilford set forth in its revised franchise description and map; and it is

**FURTHER ORDERED**, that the Petitioner is exempt from Commission regulation in accordance with RSA 362:4, III-a(a)(1); and it is

**FURTHER ORDERED**, that Laconia Water Works shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, with a copy mailed to the Laconia City Clerk and Gilford Town Clerk, such publication and mailing to be no later than September 22, 2003 and to be documented by affidavit filed with this office on or before October 6, 2003; and it is

**FURTHER ORDERED**, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than September 29, 2003; and it is

**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than October 6, 2003; and it is

**FURTHER ORDERED**, that this Order Nisi shall be effective October 13, 2003, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this eleventh day of September, 2003.

---

Thomas B. Getz  
Chairman

---

Susan S. Geiger  
Commissioner

---

Nancy Brockway  
Commissioner

Attested by:

---

Debra A. Howland  
Executive Director & Secretary